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# TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Application Number Filing Date Confirmation Number Inventor(s) Group Art Unit Examiner	10/706,153		
	November 12, 2003		
	7579		
	BARNETT et al.		
	3743		
Examiner	Ragonese, A.		
Total Number of Pages in This Submission:	6	Attorney Docket No.	98-25 C3

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form (submit in duplicate) <input type="checkbox"/> Fee Attached \$ <input type="text"/> Check No.: <input type="text"/> <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits / Declaration(s) <input type="checkbox"/> Extension of Time Request <input checked="" type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> Form PTO-1449 <input checked="" type="checkbox"/> Cited References <input type="checkbox"/> Search report <input type="checkbox"/> Drawing(s): Number of Pages _____ Number of Figs. _____ and cover sheet <input type="checkbox"/> Formal <input type="checkbox"/> Informal	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Cover Sheet <input type="checkbox"/> Drawing Change Authorization Request and Amended Figure(s) <input type="checkbox"/> Request for Return of PTO-1449 Forms <input type="checkbox"/> Petition to the Commissioner <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Address <input type="checkbox"/> Terminal Disclaimer(s) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Request for Corrected Filing Receipt	<input type="checkbox"/> Issue fee Transmittal Form PTOL-85(b) + (c) and cover sheet <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Request Letter <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund <input type="checkbox"/> Response to Missing Parts / Incomplete Application <input type="checkbox"/> Response to File Corrected Application Papers
<input type="checkbox"/> Other Enclosure(s): _____		

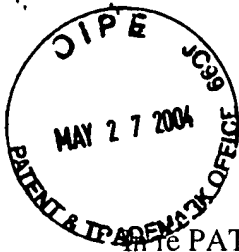
Current Due Date: None

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual and Company	Michael W. Haas, Reg. No. 35,174 RESPIRONICS, Inc., 1010 Murry Ridge Lane, Murrysville PA, 15668
Signature	<i>Michael W. Haas</i>
Date	May 25, 2004

## CERTIFICATE OF MAILING

I hereby certify that this correspondence and all enclosures are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 on this date: <u>May 25, 2004</u> .			
Typed Name	Michael W. Haas, Reg. No. 35,174		
Signature	<i>Michael W. Haas</i>	Date	May 25, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re PATENT APPLICATION of

Inventor : BARNETT et al.  
Appln. No. : 10/706,153  
Conf. No.: : 7579  
Filed: : November 12, 2003  
Title: : NASAL MASK AND SYSTEM USING SAME  
Group Art Unit : 3743  
Examiner : Ragonese, A.  
Docket No. : 98-25 C3

\* \* \* \* \*

May 25, 2004

**INFORMATION DISCLOSURE STATEMENT**

Hon. Commissioner of Patents  
and Trademarks  
Alexandria, VA 22313-1450

Sir:


Attached is a Form PTO-1449 listing the enclosed documents.

I hereby certify that each enclosed document listed on the herewith Form PTO-1449 was cited in the attached Japanese Official Action, dated April 9, 2004, issued in a counterpart foreign application not more than three months ago.

A copy of the Japanese Office Action is enclosed. This Office Action explains the relevance of the cited reference, which is identified as Reference 4 in the Japanese Office Action, to the subject matter of that application. Also enclosed is a brief translation of this reference.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on May 25, 2004 with sufficient postage as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Michael W. Haas, Reg. No. 35,174

BARNETT et al. -- Appln. No.: 10/706,153

Please note the Japanese Office Action also lists a Japanese Patent Disclosure No. 10-508786. The subject matter of this disclosure was previously cited in the present application in an IDS filed November 13, 2003 as U.S. Patent Nos. 5,647,357 and 5,884,624. These are the U.S. counterparts to this Japanese Patent Disclosure.

The other references listed in the Japanese Office Action that are not listed on the attached PTO-1449 form were also cited in the November 13, 2003 IDS.

Should a first action on the merits have been issued on the same day or before this Information Disclosure Statement is filed, please accept this Information Disclosure Statement under Rule 97(c) and charge the requisite Rule 17(p) fee to our Deposit Account No. 50-0558 and proceed to consider this Information Disclosure Statement.

This Information Disclosure Statement is intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice to that effect is earnestly solicited, along with additional time under Rule 97(f), to enable Applicant to comply fully.

Consideration of the foregoing and enclosures plus the return of a copy of the herewith Form PTO-1449 with the Examiner's initials in the left column per M.P.E.P. § 609 along with an early action on the merits of this application are earnestly solicited.

Respectfully submitted,

By Michael W. Haas

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PTO/S-88 Form (RESPIRONICS Version)

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Application No.

10/706,153

Filing Date

November 12, 2003

**Inventor**

BARNETT et al.

Confirmation No.

7579

### Group Art Unit

3743

Date \_\_\_\_\_

May 25, 2004

**Examiner:**

Ragonese, A.

Sheet

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of

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Attorney Docket No:

98-25 C3

## U.S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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EXAMINER: Initial if citation is considered, whether or not citation is in conformance with MPEP § 609. Draw a line through the citation if not in conformance and not considered. Per MPEP § 609, include a copy of this form with the next communication to the Applicant.